

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	Cr. No. 2:05-CR-213-MEF
)	
JERRY WAYNE CULVER)	

JOINT MOTION TO CONTINUE COMPETENCY DETERMINATION

Comes now the United States of America, by and through Leura Canary, United States Attorney for the Middle District of Alabama, and Donnie Wayne Bethel, attorney for the defendant, and respectfully request this Court to continue the competency hearing presently set for February 20, 2007. In support of this request, the parties respectfully state as follows:

1. The parties have each received a copy of the psychiatric evaluation of the defendant completed by the Federal Bureau of Prisons, Federal Medical Complex - Butner, dated 12/12/06.

2. The parties agree that the findings and conclusions of the Evaluation should be accepted by this Court. Further, both parties agree to stipulate to the findings and conclusions set out in the Evaluation.

3. Both parties agree that the defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequence of the proceedings against him and unable to properly assist in his defense. Both parties believe that at a hearing to determine same, the Court will make such determination.

4. **Both parties agree that the Court should follow the recommendation of the Evaluation and return the defendant to the custody of the Attorney General, pursuant to Title 18, U.S.C., Section 4246, for designation to a Medical Referral Center to undergo a risk assessment.**

5. The parties request that after the risk assessment has been completed and the parties and the Court have had an opportunity to evaluate the findings and recommendations, if any, of the medical examiners, the Court reset this matter for hearing.

Respectfully submitted this the 12th day of February, 2007.

LEURA CANARY
UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I hereby certify that on February 12, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:
Donnie Wayne Bethel.

Respectfully submitted,

LEURA CANARY
UNITED STATES ATTORNEY

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